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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Ninth session

SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 29 November 1993, at 10 a.m.

Chairperson: Mr. ALSTON

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Mexico

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS (agenda item 4) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Mexico concerning articles 1 to 15 (E/1990/6/Add.4, E/C.12/1993/WP.16, HRI/CORE/1/Add.12)

1. At the invitation of the Chairperson, Ms. González Martínez, Ms. Eréndia Paz Campos and Mr. Eusebio Romero took places at the Committee table.

2. Ms. GONZALEZ MARTINEZ (Mexico) said that she welcomed a second opportunity to present to the Committee a report from the Government of Mexico on the situation in that country and to discuss the progress made by the Government in that regard. She and her colleagues shared with the Committee an interest in seeking together suitable ways and means for the enjoyment of those rights, and the highest standards of living, by all. As mentioned in paragraph 2 of the report (E/1990/6/Add.4), the latter had been prepared in accordance with the guidelines as revised and approved by the Committee. As the Committee had noted in its general conclusion No. 2, all human rights were interdependent and indivisible, and the Governments of States parties were responsible for promoting and protecting them, inter alia, by establishing a suitable juridical and administrative infrastructure; failure to take suitable action in regard to one set of rights could hamper the full enjoyment of all others.

3. The current report reflected the undertaking, mentioned also at the time of the previous report, to promote social well-being through a policy having as its priorities the establishment of the requisite physical and socio-economic conditions to promote equal opportunities and full development of the people's capacities, the fight against poverty, and access to decision-taking and organized social participation. One example was the National Solidarity Programme which, from the outset, had targeted the neediest sectors of the population such as indigenous communities or rural inhabitants, marginalized town dwellers, and women and young persons at risk. During the past four years the Programme had developed a very flexible approach, focused chiefly on three spheres of action: solidarity for social well-being; solidarity for production; and solidarity for regional development.

4. In paragraph 155 of the report, relating to question No. 1 (c) on article 11 of the Covenant, it was stated that the National Statistics, Geography and Information Technology Institute was carrying out research regarding determination of the "poverty line"; the results of the study, carried out in collaboration with the Economic Commission for Latin America and the Caribbean, had been published on 24 October, and copies had been provided for the Committee. She also drew attention to some corrections to the report: in paragraph 20, the figure of 23.4 million job-holders should read 24.4; and in the table in paragraph 251, the section on States with the highest rural population density, included entities with highest urban population density, such as the Federal District.

5. The National Solidarity Programme mentioned in the report was a cornerstone of the Government's programme, based on the National Development Plan; both channels were part of the national effort to promote social development. Notwithstanding the success of the Solidarity Programme and achievements in certain areas, discrepancies existed between the extent of extreme poverty and the scope of the social organization, which had impeded attention to the demands of some of the most disadvantaged groups. One factor which adversely affected any social development programme was population growth. Although reduced, as a result of the family planning programme, to 2.06 per cent, it was still large enough to be increasing, by roughly one million each year, the number of infants requiring health care and immunization, children of school age lacking educational facilities, and adults and adolescents adding to the number of unemployed. As a result, the Government had to devote increasing attention to social problems and to the effort to meet its international commitments.

6. The Committee had before it a text of the Government's written replies to the list of issues taken up in connection with consideration of Mexico's second periodic report (E/C.12/1993/WP.16); she would try to review the replies orally.

7. With regard to issue No. 1, she said that, pursuant to article 1 of the Mexican Constitution, every individual enjoyed the rights guaranteed by the Constitution, which could not be restricted or suspended save in the cases and conditions established therein; the expression "individual guarantees" was a term employed, in drafting the Constitution, to describe all the human person's inherent basic rights, referred to generally as human rights. Article 33, part III of the Constitution also provided that aliens enjoyed each and every one of the individual guarantees contained in the first 29 articles. The rights of indigenous and other ethnic or linguistic minority groups, including right of access to the courts, were covered by article 4 of the Constitution, as well as by the general provisions of articles 14, 25, 27 and 123.

8. With regard to issue No. 2, the Mexican Constitution did, as made clear in her previous reply, provide safeguards for all rights, not only civil and political but also economic, social and cultural.

9. Issue No. 3 related to the provision, pursuant to article 5 of the Mexican Constitution, that prohibited the execution of any contract on account of, inter alia, "religious vows". That provision had now been dropped, and the relevant text had been amended to replace the words "whether on account of work, education or religious vows" by "for any reason whatsoever".

10. Issue No. 4 concerned allegations, in newspaper and other reports, concerning the practice of forced labour, particularly of children and peasants, and payment of wages below the legal minimum. Despite some isolated allegations in that regard, forced labour was prohibited by law. The amended article 5 of the Constitution, referred to in the previous reply, was pertinent in that regard. The working conditions of peasants were covered by articles 279 to 284. In Mexico, it was forbidden, under article 123.A.III of the Constitution, for children under 14 years of age to be engaged in work. In that regard, in January 1991 Mexico had adopted the provisions of the

Convention on the Rights of the Child. In practice, it was extremely difficult, of course, to prevent children from earning a living in the informal sector by doing work in order to keep themselves and their families from starvation, a situation to which she would refer in replying to later questions.

11. Federal legislation regulated the conditions of rural workers, but the implementation everywhere of the provisions was very difficult, especially in the employment of seasonal workers, which prevailed chiefly in the less developed States such as Oaxaca and Guerrero. Recent studies had classified some 3 million workers as seasonal agricultural labourers, many of whom were migratory. Whole families, including women and children, were often engaged for such seasonal work - a practice fostered by the customary methods of recruitment for seasonal agricultural work, usually at harvest times. For example, in Culiacan recent statistics had shown that women represented 23.6 per cent, and children 16 to 17 per cent, of the seasonal workforce.

12. The Government was making special efforts, including increased monitoring, to overcome the problems relating to seasonal workers. It had recently created the Office of Agrarian Justice (Procuraderia agraria) to deal with matters including workers' rights. Likewise, measures were being provided, within the framework of national health and nutrition services, to focus on the needs of seasonal workers. Other measures, including special primary education facilities and other forms of assistance designed to improve conditions of the family as a whole, were being introduced. The fact that, despite the prohibition of forced labour and the existence of minimum wage legislation, many people in regions of extreme poverty were compelled to accept work of any sort, and the difficulty of preventing it, had been recognized by ILO as an unfortunate reality.

13. With regard to issue No. 5, the Committee had requested further information about the National Development Plan, referred to in paragraph 36 of the report. Implementation of the Plan was beset by difficulties stemming from the deceleration in the national economy and the contraction of international demand, the latter having hit industrial growth particularly hard. Nevertheless, there had been some encouraging signs; between 1988 and 1992 investment had increased from 17 to 22 per cent of GDP, and the expert view was that the growth would continue, particularly in the capital goods sphere. Mexico had recently signed an agreement with the World Bank to finance the development of an industrial labour training project (CIMO) one component of which would target medium, small and micro enterprises, which formed the major bulk of production volume and involved the largest number of workers. Further information about the implementation of the National Development Plan was given in the written replies.

14. A number of points had been raised, under issue No. 6 relating to paragraph 37 of the report, about unequal treatment of any kind and distinction based on race, colour, sex, religion, political opinion, nationality or social origin. In general, it should be noted that the Constitution expressly prohibited anything which obliged persons to undertake work without their consent; and in legal terms there was no distinction on grounds of sex. In practice, of course, it was difficult to ensure that equal opportunities were always available for women, but no precise data were

available in that regard. In Mexico, minors abandoned by their parents or by those in whose care they were or ought to be were accorded State protection through institutions such as the National System for the Integrated Development of the Family (DIF) and agencies such as the Department of the Federal District. Such protection, which covered work situations, was also provided by similar institutions in each state of the Federation.

15. There were also provisions, under article 4 of the Constitution, to compel parents to assure the rights of children to basic necessities and to physical and mental health. The State had an obligation to protect homeless children; and Mexican labour legislation provided that adequate social security was extended to the children of workers. The provisions of the Convention on the Rights of the Child, to which Mexico was a party, set forth measures for the protection, education and safety of children, and was reflected in Mexican legislation; for example, article 26 of the Convention, concerning the rights of children to social security benefits, was extended, pursuant to Mexican labour legislation, through arrangements with the social security services, to ensure that children received medical assistance, recreation, education and other benefits.

16. Likewise, there was a National Action Programme which, since 1991, had dealt with programmes of assistance to children in especially difficult circumstances; its particular targets included street children, children with anti-social problems, children of agricultural and migrant workers, and indigenous children.

17. A integral development programme had been established for young people between 12 and 19 years of age. There had been an increase in the number of youngsters engaging in such activities as shoeshining, windscreen cleaning, clowning and selling chewing-gum in order to earn money to enable them to survive and in some cases to help their families. Coordinated programmes had been developed to take care of street children and their problems and to provide counselling. In addition, agreements made with international agencies like UNICEF and Rädda Barnen International had had a social impact reflected in the active and conscious participation of minors in activities of benefit to themselves and their families. There was also a specific programme for preventing the maltreatment of minors into which all cases detected by the non-penal judicial organs and medical institutions were channelled. DIF offices engaged in activities for the reception and placing of minors repatriated from the United States of America.

18. As far as the elderly were concerned, Mexico had established the National Institute for Old Age (INSEN), a decentralized public body created for the purpose of helping, attending to and counselling the elderly and of studying their problems and seeking solutions to them. Its activities were particularly fruitful for elderly persons living alone, since it arranged meetings and group activities and discounts in areas such as public transport, cultural activities and medicines.

19. Mexico fully recognized the human rights of indigenous workers, as was demonstrated by its ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). Mexican legislation guaranteed the equality of all Mexicans without distinction as to race or religion and in developing its

policies and activities it respected the peculiarities, customs, beliefs and cultures of ethnic groups. Mexico had taken specific action to help indigenous peoples in the fields of health, education and justice through the Indigenous Affairs Coordination Agency of the National Human Rights Commission, the National Indigenous Peoples Institute and the Ministry of Social Development, among others.

20. Responding to issue No. 7, regarding "unpaid workers", she explained that "unpaid workers" were family workers who worked in family enterprises, workshops or businesses without remuneration but supplied labour which brought "income" to the family economy. They were found mainly in the farming sector or in small businesses in the informal sector of the economy. Since such unpaid work was done voluntarily, the Government considered that the situation could be fully reconciled with the freedom of choice affirmed by article 5 of the Constitution.

21. Turning to issue No. 8, concerning the situation of workers in the informal sector and their total number in Mexico, she said that although in general there was no uniform definition of the informal sector at the international level, the concept had been studied in analysing the occupational situation in different countries, as well as in the ILO's studies of employment policies during the 1970s. In fact, the informal sector was identified with the small amounts of capital available to enterprises, their relatively rudimentary technology, the ease with which they started up, and their severance from formal financial circuits. The largest occupational group in the informal sector was that formed by persons working directly for the industrial production process, which was also significant in formal occupation. The reason for the high proportion accounted for by that group was that it included artisans, manufacturers, processors and related workers making non-metallic mineral and rubber products and, in general, traditional small producers working directly on materials with small-scale machinery and equipment. Another three occupational groups that accounted for a substantial proportion of informal labour were small-scale shopkeepers, salesmen, shop assistants, travelling salesmen and other service workers. Given the informal nature of such work, no precise information was available about its extent and remuneration. Nevertheless, according to data published by the National Statistics, Geography and Information Technology Institute (INEGI), the informal sector in Mexico accounted for almost 33.2 per cent of the workforce, of which 35.4 per cent earned less than the minimum wage owing to lack of training and elementary education. On the other hand, it was also learned that many persons obtained incomes higher than the minimum because a large number of those workers combined formal jobs with informal jobs in order to supplement their incomes.

22. Commenting on issue No. 9, concerning minimum wages and wage movements since the previous report, she explained that the mechanism for setting and reviewing minimum wages was laid down in articles 570, 571, 573 and 574 of the Federal Labour Act. Minimum general and occupational wages were set every year and could be reviewed at any time if economic circumstances so required. For setting minimum wages, workers and employers had until the end of November each year to present such studies as they considered appropriate. Once that had been done, the Council of Representatives of the National Minimum Wages Commission issued a decision setting minimum wages. For a review of minimum

wages, the President of the Commission, on receiving the application for review, convened the Council of Representatives to study it. In considering the case, the National Minimum Wages Commission, with the participation of the Council of Representatives and the Technical Board, reviewed price movements and their repercussions on the purchasing power of minimum wages, as well as the most significant data concerning the national economic situation, as provided for in article 573 of the Federal Labour Act. The National Minimum Wages Commission made ongoing studies of price movements, which made it possible to obtain regular information on the country's economic situation.

23. The past three years had seen nominal increases in minimum wages of a little over 42 per cent. During the same period the real minimum wage had continued to fall, although at lower rates than those recorded in years previous to 1990. The accumulated loss between 1990 and September 1993 had been 11.2 per cent.

24. As for issue No. 10, concerning the application of minimum wages in general and especially with regard to employed women, children and elderly persons, she explained that workers were protected by a number of labour laws which provided for the operation of tribunals and other bodies to which every worker had access. In actual fact the minimum wage had to be increased or set on the basis of productivity, not by decree. Some people thought that the minimum wage should be improved only as a political act, but most people considered it to be only a reference point, since, in an increasingly competitive society, wages were set more and more on the basis of supply and demand. Thus the minimum wage, although it represented a social achievement, had now become a mere reference point in many branches and activities in the Mexican economy. Some people received two or three minimum wages.

25. Turning to issue No. 11, she pointed out that article 123 of the Mexican Constitution confirmed the principle of equal pay for equal work regardless of sex or nationality. The number of young people was tending to outstrip the supply of jobs in industry, services and agriculture. The situation was further complicated by the process of economic restructuring and the difference between the level of training attained by young people and that required by employers. Nevertheless, a substantial proportion of those working in the formal economy were young people who had the same rights and obligations as adults.

26. Under existing legislation, women had the same rights and obligations as men with regard to conditions of employment and even enjoyed social security rights specific to them when they were employed in the formal economy. The rights of women working in the informal economy could not be clearly regulated by the Government owing to the specific characteristics of informal work.

27. Nevertheless, many women received a wage lower than that for men when performing similar work, as a result of the erroneous idea that a women brought in a "supplementary" wage, since she was not normally the only person responsible for maintaining the family. Nevertheless, women's wages had become essential to meet the basic needs of the family as a result of the fall in the purchasing power of wages due to the crisis of the past decade and to adjustment policies. Work done by women continued to be undervalued.

The situation was even more acute in the increasing number of cases in which the working woman had children, since the special working hours which she needed in order to be able to attend to them obliged her to accept lower wages.

28. All ethnic groups enjoyed the same rights and obligations as other citizens. A problem arose when workers lived off traditional crops or handicrafts that were sometimes of a purely subsistence or even marginal level. The Government had developed projects such as the National Solidarity Programme through which it sought to support specific projects by small enterprises at the places where the ethnic groups originated. Programmes had been undertaken to develop production and service cooperatives in the indigenous communities with a view to preventing or reducing migration and the impairment of cultural identity.

29. Elderly workers had the same rights and obligations as other citizens. They were protected by social security, which provided them with health care services and retirement pensions. Benefits were received not only by the retired worker but also by his economic dependents. As in the case of women, many pensioners worked in order to obtain a "supplement" to their income, even though the amount they received might be, in equal circumstances, less than that received by a younger worker.

30. Aliens residing in Mexico who satisfied the provisions of articles 7-29 of the Nationality and Naturalization Act had all the rights and obligations provided by the Federal Labour Act. As had already been indicated, 35.4 per cent of workers in the informal sector earned less than the minimum wage because of their lack of training.

31. Commenting on issue No. 12, concerning the categories of workers excluded by law from existing health and safety schemes, she said that no category of worker was outside the protection of the legal and administration provisions. A problem arose in that, although all workers had a series of rights, it was very difficult for workers in the informal sector to enforce them. It was also very easy for those workers to omit to perform their obligations, especially their tax obligations. A series of projects was under way to bring the informal economy closer to the formal. Elderly persons working in the informal sector had the same difficulties as mature or young persons in the same circumstances. All workers could enjoy the protection afforded by legislation once they had declared their activities, whether they had a contract or not.

32. Turning to issue No. 13, concerning the situation of women, she informed the Committee that of the country's total population of 81,249,645 inhabitants, 39,893,969 were male and 41,355,676 were female, according to the 1990 census. In the past, women had traditionally done unpaid work in the home while the men had been responsible for providing the resources necessary for maintaining the family. However, as from the 1970s, the participation of women in paid work had been increasing in both absolute and relative terms, as a result of the economic crisis, the increase in the number of unmarried mothers and the expansion of industrial assembly plants, which preferred female labour. The analysis of the figures for recent years showed that the growing participation of women in paid work was already a structural tendency

which would continue. The 1990 figures for the informal sector had recorded 1,739,557 employed persons, of whom 814,568 had been men and 924,989 women. The greater participation of women in the informal sector was due to reasons such as the flexibility of the working day and their family circumstances. Elderly workers over 55 years of age represented 10.6 per cent of the work force, and of them 24.2 per cent were women and 75.8 men.

33. Referring to issue No. 14, concerning the percentage of men and women qualified as professionals, she explained that the Mexican classification of occupations included among professional workers persons who had received professional training at a higher level and who performed functions directly related with the type of training received but excluded other professionals in managerial or civil service posts in administrative control and planning or industrial processes. Against that background the information available to INEGI indicated that nationally there were about 842,000 professionals, of whom 75 per cent were men and 25 per cent were women.

34. Turning to issue No. 15, concerning the evolution of legislation governing working hours for men, women and children, she said that the Federal Labour Act reaffirmed the constitutional rule and provided that the maximum length of day-time work should be eight hours, of night work seven hours, and of mixed work seven and a half; minors under 16 years and over 14 could not exceed six hours of work a day, which must be divided into two maximum periods of three hours; between those two periods of the day, they must have a rest of at least one hour. The Federal Labour Act prohibited the employment of minors under 16 on overtime and on Sundays and public holidays. If that prohibition was violated, overtime must be paid at a rate equal to 200 per cent more than the wage paid for day-time working. The Act provided that workers who worked more than eight hours or the established maximum working day must be paid 100 per cent more than the standard wage, without exceeding nine accumulated hours per week; if those nine hours per week were extended, the employer had to pay the worker overtime at a rate equivalent to 200 per cent more than the normal wage, regardless of whether the worker was a man or a woman. The Federal Labour Act had not altered the determination of the working day. The amount of compensation might vary according to collective agreements or, where appropriate, individual employment agreements in the group of workers covered by section A and, according to the regulations governing workers in State employment, the provisions relating to overtime were essentially the same as those already described.

35. Commenting on issue No. 16, concerning the position of the Mexican legislator with regard to the minimum working age and the application of existing laws in that respect, she said that article 123 of the Constitution regulated the working age, which was 14 years, and established the maximum working day of six hours for minors between 14 and 16 years of age. The Federal Labour Act, in article 5, also established the minimum working age at 14 years and prohibited night work for minors under 16 years and any work after 10 p.m.; article 22 prohibited the employment of minors under 14 years. The Act also prohibited the employment of minors under 18 years for work outside Mexico. The legislation in force was considered to be adequate, and the absence of any parliamentary discussion was taken to indicate the legislator's satisfaction with it.

36. The Federal authorities responsible for ensuring compliance with the juvenile employment provisions were inspectors from the Ministry of Labour and Social Security. The Federal Government employed approximately 600 inspectors, one half in Mexico City and the remainder in the regional offices.

37. In reply to issue No. 17, she said that legal and administrative provisions and inspection arrangements to protect health and safety at work were covered by article 123, Part A of the Constitution, sections XIV and XV and by the Federal Labour Act, articles 472 to 516. Specific regulations governing health and safety at work were contained in the General Occupational Safety and Hygiene Regulations, and in the 22 industrial safety and hygiene instructions pertaining thereto. Specific regulations governing work that was either dangerous or unhealthy for women and minors contained provisions for those categories of worker. The Federal Act governing State Workers contained the regulations applicable to civil servants, details of which were contained in the General Conditions of Employment, drawn up by negotiation between each Ministry or Department and its employees.

38. The social security legislation, which provided for various forms of compulsory social insurance, regulated matters of social security.

39. The Ministry of Labour and Social Welfare ensured the health and safety of workers through the Directorate-General of Occupational Medicine and Safety, which was responsible for improving working conditions, drawing up regulations in respect of occupational medicine, safety and hygiene and for encouraging the formation of joint safety and hygiene committees. Compliance with the regulations was ensured by the Labour Inspectorate, which worked in coordination with the Directorate-General of Occupational Medicine and Hygiene.

40. In reply to issue No. 18, concerning whether any category of workers was not covered by the protection referred to in paragraph 74 of the report, she said that the Federal Labour Act, Title Nine, relating to occupational risks, specified that the provisions of the Act applied to all forms of work, without restriction. The Occupational Safety and Hygiene Regulations, already referred to in the reply to question 17, applied throughout the national territory and were intended to ensure compliance with the Federal Labour Act in the spheres of safety and hygiene. Article 188 of the Regulations stipulated that responsibility for industrial hygiene and safety was shared by the authorities, workers and employers. The existence of the legislation described made it possible to assert that the law protected all workers, wherever they were employed and regardless of their sector of activity.

41. Turning to the informal sector, already referred to in issues Nos. 8, 11, 12 and 13, she said that even if persons were employed in the informal sector, without a formal contract, or in domestic service, they were entitled to the protection of the Federal Labour Act and of the specific safety and hygiene regulations. The same was true of ethnic minorities, who were entitled to the same protection regardless of whether they worked in the formal or informal sector. Self-employed workers, however, did not enjoy such extensive protection.

42. Regarding the legal restrictions imposed on foreigners, prohibiting them from becoming members of the governing body of a trade union, referred to in issue No. 19, she said that article 372, section II of the Federal Labour Act did indeed prohibit foreigners from becoming members of the governing body of a trade union, although they could join a trade union and occupy any other trade union position. As a rule, most foreigners only worked in Mexico for short periods of time, and in specific areas such as in specialized technical positions, in the arts or in sport. Those foreign workers who had lived in Mexico for some time could acquire Mexican nationality under articles 7 to 29 of the Nationality and Naturalization Act, and thereby become eligible to belong to the governing bodies of trade unions. She pointed out that the prohibition that applied to foreign workers had been introduced at the request of Mexican workers themselves, and had been designed to protect their interests on account of the abuses committed in the past by foreign workers in positions of trade union responsibility.

43. Mr. CEAUSU suggested that in the interests of ensuring a dialogue between the representatives of Mexico and the members of the Committee, it might be preferable to break up the presentation of Mexico's written replies to the list of issues, in order to allow members to put their questions regarding the observance of each of the articles of the Covenant.

44. After a procedural discussion in which the CHAIRPERSON, Mr. ALVAREZ VITA, Mr. GRISSA, Mrs. BONOAN-DANDAN, Mr. KOUZNETZOV, Mr. BADAWI and Mr. RATTRAY took part, the CHAIRPERSON suggested that in order to avoid overlapping between questions, the Mexican delegation should proceed with its written replies to the list of issues.

45. It was so decided.

46. Mrs. GONZALEZ MARTINEZ (Mexico), resuming her oral replies with issue No. 20 (a), said that the prohibition of the coexistence of two or more trade unions within the same State body applied not only at the federal, but also at the state and municipal levels. It was assumed that there was no conflict of interest between Government employees and the State itself in its capacity as sole employer.

47. Concerning issue No. 20 (b), the original purpose of prohibiting workers in the service of the State from leaving the trade union to which they belonged had been to protect the individual rights of those workers who had not wanted to join a trade union. Today, workers could voluntarily leave the trade union while continuing in employment, with the same rights and obligations.

48. With regard to issue No. 20 (c), she said that the prohibition on the re-election of trade union officials was based partly on historical considerations and partly on the assumption that it was beneficial for a trade union to change its senior officials on a regular basis so as to promote democracy within the trade union structure and to deter the growth of an indifferent leadership.

49. In respect of issue No. 20 (d), public servants were regarded as "confidential" employees and as representatives of their employer, the State,

and they therefore could not be both judge and party in a case involving a labour dispute. They could, however, join professional organizations that promoted their interests. The prohibition excluding foreigners from the leadership of trade unions was a principle that had originated in the Mexican Revolution.

50. Turning to issue No. 21, she said it would have been useful to obtain further details on whether there had been public complaints lodged against government officials or business leaders. Such behaviour violated the law and must be punished, including by removal from office.

51. As to issue No. 22, she said that properly registered foreigners employed in Mexico were eligible for the same social security benefits as Mexican citizens. Concerning benefits, the term "family" covered the marital partner or common law marital partner, dependants and parents. Benefits were extended to the elderly parents of a worker, even if they had not worked officially in their youth. For government employees, such benefits included the parents and children of the employee when those persons were his dependants and were not eligible for social security benefits. Self-employed persons in the informal sector were eligible for social security benefits under a modified system that covered health and maternity care.

52. As to issue No. 23, she said that there were two mechanisms for financing the social security system, one for private sector and one for public sector employees. The private sector was regulated as follows: the employer made all payments for insurance covering occupational hazards; health care, maternity insurance and disability, old-age and life insurance were paid for in a three-way arrangement by the employer, the employee and the State;, the insurance for the care in nurseries of the children of the beneficiaries was paid entirely by the employer; and retirement insurance, which amounted to 2 per cent of the basic salary of the employee, was also covered solely by the employer. In the public sector, a small deduction was made from the salary of each government employee, and the remaining social security costs were covered by the ministry for which the person concerned was employed.

53. Replying to issue No. 24, she said that agricultural workers permanently or continuously employed in large estates were covered by the social security system; coverage was similar to that described in her reply to issue No. 23. Seasonal workers in agriculture, livestock raising and forestry were insured only when they worked. Farmers with small properties were eligible for social security coverage under a modified system with limited benefits.

54. Concerning issue No. 25, she said that social security benefits were not adversely affected by rises in prices; increases in the standard minimum wage were followed by an equivalent percentage increase in retirement pensions.

55. In respect of issue No. 26, she said that in the private sector, the retirement age was set at 65; no distinction was made on the basis of sex. Persons wishing to continue working could do so, thereby increasing the size of their retirement pension. A person deprived of work, either because he had been dismissed or because his employer had been forced to close down his business, was eligible for a prorated retirement pension. State employees received a full retirement pension if they had completed 30 years of

uninterrupted service, regardless of their age. The minimum requirement for eligibility for a retirement pension in the public sector was 15 years of service; the beneficiary must be at least 55 years of age.

56. With regard to issue No. 27, she said that 2.3 per cent of all Mexican children under five years of age were suffering from acute chronic malnutrition and a number of programmes had been set up, with the cooperation of various international bodies, to focus on the problem. The Government of Mexico was conducting a food programme for pre-school and primary-school children, distributing meals that covered 30 to 35 per cent of children's basic daily nutritional requirements. At present, 1,220,000 meals were served daily in 14 States and in the Federal District. However, it had not yet been possible to cover the needs of the entire population.

57. According to a recent national survey, chronic malnutrition was growing; three times as many children aged nine suffered from malnutrition as children aged six. Mexico would continue to give priority attention to the problem, drawing in that regard upon the assistance of the United Nations Children's Fund and other international bodies.

58. As to issue No. 28, she said that the problem of abandoned or ill-treated minors fell within the scope of the National System for the Integrated Development of the Family. As to sexual abuse committed against minors, that was regarded as a common law offence and was thus within the competence of the Public Prosecutor's Office. Specialized agencies had been established to hear allegations of sexual abuse, including those lodged by minors. In the Federal District, a shelter had been opened for minors who had been the victims of ill-treatment, including sexual abuse. The National Commission on Human Rights had set up a coordinating centre to receive complaints of human rights violations against children.

59. Studies on the phenomenon of abandoned children had found that many had left home because of ill-treatment or parental strife. Shelters had been set up for children under the age of 13 to provide them with medical and psychological care and schooling. A more permanent solution must be found for the problem of abandoned children and children who had run away from home.

60. Turning to issue No. 29, she said that in the view of her Government, it was only natural for the working mother, and not the father, to feed her children. If the mother was near the nursery, she could come and feed the child herself; otherwise, the child was fed by someone else at the nursery.

61. As to issue No. 30, she said that although there had been some success in preventing the exploitation of child labour, it was difficult to eliminate the phenomenon entirely. Attempts had, however, been made to regulate such activities through national legislation. In small towns and in the outskirts of urban centres, it was still commonplace to find children offering to carry bags from the market or to wash cars. Efforts had been undertaken to determine whether those children were attending school. More recently, regulations had been adopted on allowing children of 12 or 14 years of age, she did not recall which, to work at markets if they attended school regularly. Admittedly, it had not been possible to regulate all areas.

62. Turning to issue No. 31, she said that according to the 1989 national household income - expenditure survey, in rural areas 45.6 per cent of all households had incomes under the minimum wage. A total of 13.6 million persons had been living in extreme poverty in 1992; it was estimated that 50 per cent of the rural population lived in conditions of extreme poverty.

63. Concerning the question on the legal status of migrant workers who were Mexican nationals (issue No. 32 (a)), she said that such persons were protected by national legislation regulating recruitment. The Ministry of Foreign Affairs and the Ministry of Labour and Social Security both monitored the human rights of groups of Mexican workers employed abroad, for example, in Canada. With regard to foreigners (issue No. 32 (b)), the same labour legislation applied to them, provided they were legally present in Mexico, it was difficult to protect the rights of persons illegally present. In respect of issue No. 32 (c), refugees who met the requirements established under article 42 of the General Population Act were granted the legal status of migrant worker. Foreign workers with refugee status enjoyed the same rights as Mexican nationals.

The meeting rose at 1 p.m.